

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 524**

---

**Introduced by Senator Correa**

February 27, 2009

---

An act to ~~amend Section 25141.5 of the Health and Safety Code, relating to hazardous waste~~; *add Section 42173 to the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Correa. ~~Hazardous waste: identification and regulation~~. *Solid waste: auto shredder residue.*

*The California Integrated Waste Management Act of 1989 requires materials that require special handling, as defined, to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. The act requires the California Integrated Waste Management Board (board), in consultation with specified entities, including the Department of Toxic Substances Control, to evaluate the use of recycling residue, which is defined as nonhazardous residue or residue treated to be nonhazardous that is a direct result of a metals recovery operation for the express purposes of recycling, for use as solid waste landfill cover materials or for use as extenders for currently used cover material.*

*Existing law, by regulation, authorizes auto shredder waste that is treated as required by regulation to be used as alternative daily cover if specified requirements are met.*

*This bill would require the Secretary for Environmental Protection, on or before February 1, 2010, to establish an auto shredder residue working group, comprised of representatives of the board, the department, the State Air Resources Board, the State Water Resources*

*Control Board, members of the auto shredder industry, and other interested stakeholders. The bill would require the working group to review and evaluate the existing practice of using treated auto shredder residue as alternative daily cover, determine the environmental and economic effects of the department's proposed revocation of the current regulatory classification of treated auto shredder residue and resulting prohibitions on its use as alternative daily cover, determine whether the current regulatory classification of treated auto shredder residue poses a significant threat to human health and the environment, and recommend changes to statute, regulation, or agency practice, if any, based on the working group's analysis.*

*The bill would require the secretary, on or before December 31, 2010, to report to the Legislature on the findings of the working group, and would prohibit the department from altering the current regulatory status quo authorizing the use of auto shredder residue pending the secretary's issuance of the report.*

~~Existing law requires the Department of Toxic Substances Control to use specified criteria and procedures for the identification and regulation of certain types of hazardous waste, unless the department makes a determination after January 1, 1996, by regulation, that additional criteria are necessary to protect the public health, safety, and environment of the state.~~

~~The bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *State and federal law require operators of solid waste*
- 4     *landfills to cover disposed solid waste with six inches of earthen*
- 5     *material at the end of each operating day to control disease*
- 6     *vectors, fires, odors, blowing litter, and scavenging. Certain*
- 7     *alternative materials are allowed to be used to meet this daily*
- 8     *cover requirement.*
- 9     (b) *The California Integrated Waste Management Board has*
- 10    *adopted regulations allowing treated auto shredder residue to be*
- 11    *used as alternative cover material. Auto shredder residue is the*

1 *nonmetallic residue that remains after the removal of recyclable*  
2 *ferrous and nonferrous metals from shredder feedstock. The*  
3 *primary sources of these recyclable metals include end-of-life*  
4 *vehicles and common household appliances.*

5 *(c) Treated auto shredder residue has been used as alternative*  
6 *daily cover at California's solid waste landfills since the late*  
7 *1980s. In 2008, over 500,000 tons of treated auto shredder residue*  
8 *were used as alternative daily cover at California solid waste*  
9 *landfills. Studies have been conducted that demonstrate the benefits*  
10 *of using treated auto shredder residue as alternative daily cover.*  
11 *Conversely, there is no evidence that use of treated auto shredder*  
12 *residue as alternative daily cover poses a threat to human health*  
13 *or the environment, including groundwater.*

14 *(d) The Department of Toxic Substances Control has announced*  
15 *its intention to alter the current regulatory status of treated auto*  
16 *shredder residue. If this action were taken, it would, among other*  
17 *things, bar the continued beneficial use of treated auto shredder*  
18 *residue as alternative daily cover, and jeopardize effective metal*  
19 *recycling. The impact of this action has not been analyzed.*  
20 *However, it is projected to result in higher landfill costs, increased*  
21 *use of green waste as alternative daily cover, significant increases*  
22 *in vehicle miles traveled and greenhouse gas emissions, and severe*  
23 *disruption of the metal recycling industry in California.*

24 *(e) There has been no meaningful intra-agency analysis of the*  
25 *Department of Toxic Substances Control's planned regulatory*  
26 *action by the constituent boards within the California*  
27 *Environmental Protection Agency.*

28 *(f) It is in the best interest of the people of the State of California*  
29 *to identify in advance the environmental and economic effects of*  
30 *the Department of Toxic Substances Control's proposed alteration*  
31 *of the regulatory status quo relating to treated auto shredder*  
32 *residue, including, but not limited to, the consequences if the*  
33 *residue no longer could be used as alternative daily cover.*

34 *SEC. 2. Section 42173 is added to the Public Resources Code,*  
35 *to read:*

36 *42173. (a) (1) On or before February 1, 2010, the Secretary*  
37 *for Environmental Protection shall establish an auto shredder*  
38 *residue working group, comprised of representatives of the board,*  
39 *the Department of Toxic Substances Control, the State Air*  
40 *Resources Board, the State Water Resources Control Board,*

1 *members of the auto shredder industry, and other interested*  
2 *stakeholders.*

3 *(b) The auto shredder residue working group shall do all of the*  
4 *following:*

5 *(1) Review and evaluate the existing practice of using treated*  
6 *auto shredder residue as alternative daily cover, including*  
7 *identifying the beneficial economic and environmental aspects of*  
8 *that use.*

9 *(2) Determine the environmental and economic effects of the*  
10 *Department of Toxic Substances Control's proposed revocation*  
11 *of the current regulatory classification of treated auto shredder*  
12 *residue and resulting prohibitions on its use as alternative daily*  
13 *cover, including the potential adverse effects of those prohibitions*  
14 *or curtailments on recycling.*

15 *(3) Determine whether the current regulatory classification of*  
16 *treated auto shredder residue poses a significant threat to human*  
17 *health or the environment.*

18 *(4) Recommend changes to statute, regulation, or agency*  
19 *practice, if any, based on the results of the working group's*  
20 *analysis.*

21 *(c) On or before December 1, 2010, the Secretary for*  
22 *Environmental Protection shall report to the Legislature on the*  
23 *findings and recommendations of the auto shredder residue*  
24 *working group.*

25 *(d) Notwithstanding any other provision of law, the Department*  
26 *of Toxic Substances Control shall not alter the current regulatory*  
27 *status quo authorizing the use of auto shredder residue as*  
28 *alternative daily cover pending the issuance of the report by the*  
29 *Secretary for Environmental Protection pursuant to subdivision*  
30 *(c).*

31  
32  
33 **All matter omitted in this version of the bill**  
34 **appears in the bill as introduced in Senate,**  
35 **February 27, 2009 (JR11)**  
36